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EXAMINER

DANIEL JR, WILLIE J

ART UNIT	PAPER NUMBER
2686	

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/701,749

Applicant(s)

MOCK ET AL.

Examiner

Willie J. Daniel, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/05/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to application filed on 05 November 2003. **Claims 1-36** are now pending in the present application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 6, 20, 10-11, and 22-23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding **Claim 6**, applicant claims, "...wherein the command includes a uniform resource locator."

Regarding **Claim 20**, applicant claims, "...wherein the command includes a uniform resource locator."

Regarding **Claims 6 and 20**, each claim includes a limitation that is not supported by the specification as originally filed. Applicant is requested to review subject matter (see pg. 6, lines 10-13; pg. 17, lines 4-6; pg. 19, lines 19-22; Figs. 4-5). The description of the instant application supports that an alert notification message includes a command and URL. The Examiner respectfully requests the applicant to provide page(s), line(s), and figure(s) of the

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instant application that supports the limitation of the claims to help clarify and resolve this issue.

Regarding **Claim 10**, applicant claims, "...providing an indication of an estimated time of arrival of a replacement battery."

Regarding **Claim 22**, applicant claims, "...an indicator for indicating an estimated time of arrival of a replacement battery."

Regarding **Claims 10 and 22**, each claim includes a limitation that is not supported by the specification as originally filed. Applicant is requested to review subject matter (see pg. 29, line 18 - pg. 31, line 2; pg. 6, lines 19-20). The description of the instant application supports that an indication of the remaining amount of usable usage time of the batteries is transmitted to the central controller. The Examiner respectfully requests the applicant to provide page(s), line(s), and figure(s) of the instant application that supports the limitation of the claims to help clarify and resolve this issue.

Regarding **Claim 11**, applicant claims, "...transmitting a second indication upon replacement of the battery."

Regarding **Claim 23**, applicant claims, "...transmitting a second indication upon replacement of the battery."

Regarding **Claims 11 and 23**, each claim includes a limitation that is not supported by the specification as originally filed. Applicant is requested to review subject matter (see pg. 29, lines 4-6; pg. 29, line 18 - pg. 31, line 2; pg. 6, lines 19-20). The description of the instant application provides support for a dispatch of replacement batteries. The Examiner

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respectfully requests the applicant to provide page(s), line(s), and figure(s) of the instant application that supports the limitation of the claims to help clarify and resolve this issue.

3. This list of examples is not intended to be exhaustive.

Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:
 - a. Fig. 1 includes reference characters "162, 164, 166, 168, 170, 182, 184" which are not included in the specification.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because
 - a. reference character "218" has been used to designate two components of Fig. 2.
 - b. reference character "214" has been used to designate two components of Fig. 2.

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Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

6. The disclosure is objected to because of the following informalities:
 - a. Applicant states "power, mode" on pg. 21, line 20. Examiner suggests "power mode".

Appropriate correction is required.

7. This list of examples is not intended to be exhaustive.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-3, 13, 15-17, 26, 29, 33, and 36 are rejected under 35 U.S.C. 102(a) as being anticipated by Hiben et al. (hereinafter Hiben) (US 2002/0169008 A1).

Regarding **Claim 1**, Hiben discloses a method for adjusting power consumption in a receiving device (106) which reads on the claimed “device” (see pg. 1, [0005, 0015]; Figs. 1, 7-8), the method comprising the steps of:

receiving a control message which reads on the claimed “command” to enter a low power mode (see pg. 1, [0015-0016]; Figs. 1, 7-8), where the receiving device (106) receives control messages to operate in low power decoding mode; and

adjusting, in response to receiving the command, at least operating mode of the device (106) so as to enter a low power operating mode (see pg. 1, [0016]; Figs. 1, 7-8), where the receiving device switches to low power mode for decoding.

Regarding **Claim 2**, Hiben discloses a the method according to claim 1, wherein in the adjusting step, the at least one operating mode includes at least one of a quality of service setting, a vocoding ratio, a BER threshold that initiates background scanning, a frequency of monitoring other communication networks, a definition of a function key, an operating mode of a display, a resolution of a display, a sensor, a CPU clock speed, and an alert time (see pg. 1, [0016]; pg. 2, [0024]; Figs. 1, 7-8).

Regarding **Claim 3**, Hiben discloses the method according to claim 1, further comprising the steps of:

receiving a second command to exit the low power mode (see pg. 1, [0016]; Figs. 1, 7-8), where the receiving device (106) switches from low power decoding mode to high power decoding mode; and

adjusting, in response to receiving the second command, the at least one operating mode of the device (106) so as to exit the low power operating mode (see pg. 1, [0016]; Figs. 1, 7-8), where the receiving device (106) switches from low power decoding mode to high power decoding mode.

Regarding **Claim 13**, Hiben discloses the method according to claim 1, wherein the command includes a receiver identification (see pg. 1, [0015]), where the receiving devices receive control messages to adjust power in which the receiver identification would be inherent, and

the method further comprises the step of determining if the receiver identification matches an identification associated with the device (see pg. 1, [0015]), where the receiving devices receive control messages to adjust power in which the matching of receiver identification would be inherent.

Regarding **Claim 15**, Hiben discloses a receiving device (106) which reads on the claimed “electronic device” (see pg. 1, [0005, 0015]; Figs. 1, 7-8), the method comprising the steps of:

a receiver (500) for receiving a control message which reads on the claimed “command” to enter a low power mode (see pg. 1, [0016]; pg. 4, [0035]; Figs. 1, 5, 7-8), where the

receiving device (106) receives control messages to operate in low power decoding mode;
and

a processor which reads on the claimed “mode controller” communicatively coupled to the receiver (500), the mode controller being capable of adjusting at least operating mode of the device (106) so as to enter a low power operating mode when the command is received by the receiver (500) (see pg. 1, [0016]; pg. 4, [0035]; Figs. 1, 5, 7-8), where the receiving device can switch to low power decoding mode.

Regarding **Claim 16**, Hiben discloses the electronic device (106) according to claim 8, wherein the at least one operating mode includes at least one of a quality of service setting, a vocoding ratio, a BER threshold that initiates background scanning, a frequency of monitoring other communication networks, a definition of a function key, an operating mode of a display, a resolution of a display, a sensor, a CPU clock speed, and an alert time (see pg. 1, [0016]; pg. 2, [0024]; Figs. 1, 7-8).

Regarding **Claim 17**, Hiben discloses the electronic device (106) according to claim 9, wherein the receiver (500) is further able to receive a second command to exit the low power mode (see pg. 1, [0016]; pg. 4, [0035]; Figs. 1, 5, 7-8), where the receiving device (106) switches from low power decoding mode to high power decoding mode; and

the mode controller (106, e.g., processor) is capable of adjusting the at least one operating mode of the device (106) so as to exit the low power operating mode when the second command is received by the receiver (500) (see pg. 1, [0016]; Figs. 1, 5, 7-8), where the receiving device (106) can switch from low power decoding mode to high power decoding mode.

Regarding **Claim 26**, Hiben discloses the method according to claim 15, wherein the command includes a receiver identification (see pg. 1, [0015]), where the receiving devices receive control messages to adjust power in which the receiver identification would be inherent, and

the mode controller (106, e.g., processor) determines if the receiver identification matches an identification associated with the device (see pg. 1, [0015]), where the receiving devices receive control messages to adjust power in which the matching of receiver identification would be inherent.

Regarding **Claim 29**, Hiben discloses a computer program product comprising computer programming instruction for performing the steps of:

receiving a control message which reads on the claimed “command” to enter a low power mode (see pg. 1, [0015-0016]; Figs. 1, 7-8), where the receiving device (106) receives control messages to operate in low power decoding mode; and

adjusting, in response to receiving the command, at least operating mode of the device (106) so as to enter a low power operating mode (see pg. 1, [0016]; Figs. 1, 7-8), where the receiving device switches to low power mode for decoding.

Regarding **Claim 33**, Hiben discloses the method according to claim 15, wherein the command includes a receiver identification (see pg. 1, [0015]), where the receiving devices receive control messages to adjust power in which the receiver identification would be inherent, and

the computer program product further comprises computer programming instructions for performing the step of determining if the receiver identification matches an identification

associated with the device (see pg. 1, [0015]), where the receiving devices receive control messages to adjust power in which the matching of receiver identification and instructions would be inherent.

Regarding **Claim 36**, Hiben discloses a method for controlling an electronic device, the method comprising the steps of:

receiving at least one of data and voice information from the device (see pg. 1, [0015-16]; pg. 2, [0017]; Figs. 1, 7-8); and

transmitting a message to the device (106), the message including a command to enter low power mode (see pg. 1, [0015-0016]; Figs. 1, 7-8), where the receiving device (106) switches to low power decoding mode.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-5 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiben et al. (hereinafter Hiben) (US 2002/0169008 A1) in view of Reichelt (US 6,427,072 B1).

Regarding **Claim 4**, Hiben fails to disclose having the feature the step of preventing a user from changing the at least one operation while the device is in the low power operating mode. However, the examiner maintains that the feature the step of preventing a user from

changing the at least one operation while the device is in the low power operating mode was well known in the art, as taught by Reichelt.

In the same field of endeavor, Reichelt discloses the feature the step of preventing a user from changing the at least one operation while the mobile telephone which reads on the claimed "device" is in the low power operating mode (see col. 5, lines 41-52; col. 3, lines 60-64; Figs. 1, 2 "ref. 42").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben and Reichelt to have the feature the step of preventing a user from changing the at least one operation while the device is in the low power operating mode, in order to have a reserve power allocation system with an emergency call capability protector which inhibits the making of non-emergency calls under certain preconditions and also allows for user function selection based on battery level and usage criteria, as taught by Reichelt (see col. 2, lines 1-10).

Regarding **Claim 5**, Hiben fails to disclose having the feature the step of providing at least one status indicator for indicating at least one of an emergency situation and that the device is operating in the low power operation mode. However, the examiner maintains that the feature the step of providing at least one status indicator for indicating at least one of an emergency situation and that the device is operating in the low power operation mode was well known in the art, as taught by Reichelt.

Reichelt further discloses the feature the step of providing at least one status indicator for indicating at least one of an emergency situation and that the device is operating in the low power operation mode (see col. 3, lines 60-64; Fig. 1 "ref. 30").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben and Reichelt to have the feature the step of providing at least one status indicator for indicating at least one of an emergency situation and that the device is operating in the low power operation mode, in order to have a reserve power allocation system with an emergency call capability protector which inhibits the making of non-emergency calls under certain preconditions and also allows for user function selection based on battery level and usage criteria, as taught by Reichelt (see col. 2, lines 1-10).

Regarding **Claim 18**, Hiben fails to disclose having the feature wherein the mode controller prevents a user from changing the at least one operation while the device is in the low power operating mode. However, the examiner maintains that the feature wherein the mode controller prevents a user from changing the at least one operation while the device is in the low power operating mode was well known in the art, as taught by Reichelt.

Reichelt further discloses the feature wherein the mode controller (e.g., microcomputer 12) prevents a user from changing the at least one operation while the mobile telephone which reads on the claimed "device" is in the low power operating mode (see col. 5, lines 41-52; col. 3, lines 60-64; Figs. 1, 2 "ref. 42").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben and Reichelt to have the feature wherein the mode controller prevents a user from changing the at least one operation while the device is in the low power operating mode, in order to have a reserve power allocation system with an emergency call capability protector which inhibits the making of non-

emergency calls under certain preconditions and also allows for user function selection based on battery level and usage criteria, as taught by Reichelt (see col. 2, lines 1-10).

Regarding **Claim 19**, Hiben fails to disclose having the feature further comprising at least one status indicator for indicating at least one of an emergency situation and that the device is operating in the low power operation mode. However, the examiner maintains that the feature further comprising at least one status indicator for indicating at least one of an emergency situation and that the device is operating in the low power operation mode was well known in the art, as taught by Reichelt.

Reichelt further discloses the feature further comprising at least one status indicator for indicating at least one of an emergency situation and that the device is operating in the low power operation mode (see col. 3, lines 60-64; Fig. 1 “ref. 30”).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben and Reichelt to have the feature further comprising at least one status indicator for indicating at least one of an emergency situation and that the device is operating in the low power operation mode, in order to have a reserve power allocation system with an emergency call capability protector which inhibits the making of non-emergency calls under certain preconditions and also allows for user function selection based on battery level and usage criteria, as taught by Reichelt (see col. 2, lines 1-10).

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Claims 6 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiben et al. (hereinafter Hiben) (US 2002/0169008 A1) in view of Simpson et al. (hereinafter Simpson) (US 2004/0121767 A1).

Regarding **Claim 6**, Hiben discloses the feature wherein the command (e.g., control messages) (see pg. 1, 0015-0016). Hiben fails to disclose having the features includes a uniform resource locator, and the method further comprises the step of presenting information associated with the uniform resource locator. However, the examiner maintains that the features includes a uniform resource locator, and the method further comprises the step of presenting information associated with the uniform resource locator was well known in the art, as taught by Simpson.

In the same field of endeavor, Simpson discloses the features includes a hyperlinks which reads on the claimed “uniform resource locator” (see pg. 4, [0044]), where the messages includes hyperlinks, and

the method further comprises the step of presenting information associated with the uniform resource locator (see pg. 4, [0044]), where the message includes hyperlinks in which the presenting information would be inherent.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben and Simpson to have the features includes a uniform resource locator, and the method further comprises the step of presenting information associated with the uniform resource locator, in order to provide users with the ability to determine the operating status of systems or subsystems, as taught by Simpson (see pg. 1, [0002], lines 18-19).

Regarding **Claim 20**, Hiben discloses the feature wherein the command (e.g., control messages) (see pg. 1, 0015-0016). Hiben fails to disclose having the features includes a uniform resource locator, and the electronic device further comprises a display for presenting information associated with the uniform resource locator. However, the examiner maintains that the features includes a uniform resource locator, and the electronic device further comprises a display for presenting information associated with the uniform resource locator was well known in the art, as taught by Simpson.

Simpson further discloses the features includes a hyperlinks which reads on the claimed “uniform resource locator” (see pg. 4, [0044]), where the messages includes hyperlinks, and

the electronic device (118) further comprises a display for presenting information associated with the uniform resource locator (see pg. 4, [0044]; Fig. 1), where the message includes hyperlinks in which the presenting information would be inherent.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben and Simpson to have the features includes a uniform resource locator, and the electronic device further comprises a display for presenting information associated with the uniform resource locator, in order to provide users with the ability to determine the operating status of systems or subsystems, as taught by Simpson (see pg. 1, [0002], lines 18-19).

Claims 7, 12, 21, 25 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiben et al. (hereinafter Hiben) (US 2002/0169008 A1) in view of Alperovich et al. (hereinafter Alperovich) (US 6,385,469 B1).

Regarding **Claim 7**, Hiben fails to disclose having the features presenting a user with a plurality of operating modes; accepting an input from the user that indicates a selected operating mode that is chosen from the plurality of operating modes; and placing the device into the selected operating mode. However, the examiner maintains that the features presenting a user with a plurality of operating modes; accepting an input from the user that indicates a selected operating mode that is chosen from the plurality of operating modes; and placing the device into the selected operating mode was well known in the art, as taught by Alperovich.

In the same field of endeavor, Alperovich discloses the features presenting a user with a plurality of operating modes (see col. 3, lines 31-38; Fig. 2), where the user presented with a menu; accepting an input from the user that indicates a selected operating mode that is chosen from the plurality of operating modes (see col. 3, line 51 - col. 4, line 6; Fig. 2); and placing the mobile station (20) which reads on the claimed "device" into the selected operating mode (see col. 3, line 51 - col. 4, line 6; col. 4, lines 34-37; Fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben and Alperovich to have the features presenting a user with a plurality of operating modes; accepting an input from the user that indicates a selected operating mode that is chosen from the plurality of operating

modes; and placing the device into the selected operating mode, in order to extend the life of a battery within a mobile station, while still allowing a mobile subscriber to use the MS, as taught by Alperovich (see col. 2, lines 29-32).

Regarding **Claim 12**, Hiben fails to disclose having the feature wherein the command to enter the low power mode is initiated by a user of the device. However, the examiner maintains that the feature wherein the command to enter the low power mode is initiated by a user of the device was well known in the art, as taught by Alperovich.

In the same field of endeavor, Alperovich discloses the feature wherein the command to enter the low power mode is initiated by a user of the device (20) (see col. 3, line 51 - col. 4, line 6; col. 4, lines 34-37; Fig. 2), where the user can select the mode to extend the life of the battery.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben and Alperovich to have the feature wherein the command to enter the low power mode is initiated by a user of the device, in order to extend the life of a battery within a mobile station, while still allowing a mobile subscriber to use the MS, as taught by Alperovich (see col. 2, lines 29-32).

Regarding **Claim 21**, Hiben fails to disclose having the features presenting a user with a plurality of operating modes; accepting an input from the user that indicates a selected operating mode that is chosen from the plurality of operating modes; and placing the device into the selected operating mode. However, the examiner maintains that the features presenting a user with a plurality of operating modes; accepting an input from the user that indicates a selected operating mode that is chosen from the plurality of operating modes; and

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placing the device into the selected operating mode was well known in the art, as taught by Alperovich.

Alperovich further discloses the features
presenting a user with a plurality of operating modes (see col. 3, lines 31-38; Fig. 2),
where the user presented with a menu;
accepting an input from the user that indicates a selected operating mode that is chosen
from the plurality of operating modes (see col. 3, line 51 - col. 4, line 6; Fig. 2); and
placing the mobile station (20) which reads on the claimed “device” into the selected
operating mode (see col. 3, line 51 - col. 4, line 6; col. 4, lines 34-37; Fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben and Alperovich to have the features presenting a user with a plurality of operating modes; accepting an input from the user that indicates a selected operating mode that is chosen from the plurality of operating modes; and placing the device into the selected operating mode, in order to extend the life of a battery within a mobile station, while still allowing a mobile subscriber to use the MS, as taught by Alperovich (see col. 2, lines 29-32).

Regarding **Claim 25**, Hiben fails to disclose having the feature wherein the command to enter the low power mode is initiated by a user of the device. However, the examiner maintains that the feature wherein the command to enter the low power mode is initiated by a user of the device was well known in the art, as taught by Alperovich.

Alperovich further discloses the feature wherein the command to enter the low power mode is initiated by a user of the device (20) (see col. 3, line 51 - col. 4, line 6; col. 4, lines 34-37; Fig. 2), where the user can select the mode to extend the life of the battery.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben and Alperovich to have the feature wherein the command to enter the low power mode is initiated by a user of the device, in order to extend the life of a battery within a mobile station, while still allowing a mobile subscriber to use the MS, as taught by Alperovich (see col. 2, lines 29-32).

Regarding **Claim 30**, Hiben fails to disclose having the features presenting a user with a plurality of operating modes; accepting an input from the user that indicates a selected operating mode that is chosen from the plurality of operating modes; and placing the device into the selected operating mode. However, the examiner maintains that the features presenting a user with a plurality of operating modes; accepting an input from the user that indicates a selected operating mode that is chosen from the plurality of operating modes; and placing the device into the selected operating mode was well known in the art, as taught by Alperovich.

Alperovich further discloses the features
presenting a user with a plurality of operating modes (see col. 3, lines 31-38; Fig. 2),
where the user presented with a menu;
accepting an input from the user that indicates a selected operating mode that is chosen
from the plurality of operating modes (see col. 3, line 51 - col. 4, line 6; Fig. 2); and

placing the mobile station (20) which reads on the claimed “device” into the selected operating mode (see col. 3, line 51 - col. 4, line 6; col. 4, lines 34-37; Fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben and Alperovich to have the features presenting a user with a plurality of operating modes; accepting an input from the user that indicates a selected operating mode that is chosen from the plurality of operating modes; and placing the device into the selected operating mode, in order to extend the life of a battery within a mobile station, while still allowing a mobile subscriber to use the MS, as taught by Alperovich (see col. 2, lines 29-32).

Claims 8, 24, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiben et al. (hereinafter Hiben) (US 2002/0169008 A1) in view of Reichelt (US 6,427,072 B1).

Regarding **Claim 8**, Hiben fails to disclose having the feature further comprising the step of continuing to operate the device after a battery energy level has fallen below a normal operating threshold. However, the examiner maintains that the feature further comprising the step of continuing to operate the device after a battery energy level has fallen below a normal operating threshold was well known in the art, as taught by Reichelt.

In the same field of endeavor, Reichelt discloses the feature further comprising the step of continuing to operate the mobile telephone (10) which reads on the claimed “device” after a battery energy level has fallen below a normal operating threshold (see col. 3, lines 50-64; col. 4, lines 62-67), where the user of the mobile telephone can operate using the emergency call reserve power which is below the normal operating power level.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben and Reichelt to have the feature further comprising the step of continuing to operate the device after a battery energy level has fallen below a normal operating threshold, in order to have a reserve power allocation system with an emergency call capability protector which inhibits the making of non-emergency calls under certain preconditions and also allows for user function selection based on battery level and usage criteria, as taught by Reichelt (see col. 2, lines 1-10).

Regarding **Claim 24**, Hiben fails to disclose having the feature wherein in the low power operating mode, the electronic device continues to operate after a battery energy level has fallen below a normal operating threshold. However, the examiner maintains that the feature wherein in the low power operating mode, the electronic device continues to operate after a battery energy level has fallen below a normal operating threshold was well known in the art, as taught by Reichelt.

Reichelt further discloses the feature further wherein in the low power operating mode, the mobile telephone (10) which reads on the claimed "electronic device" after a battery energy level has fallen below a normal operating threshold (see col. 3, lines 50-64; col. 4, lines 62-67), where the user of the mobile telephone can operate using the emergency call reserve power which is below the normal operating power level.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben and Reichelt to have the feature wherein in the low power operating mode, the electronic device after a battery energy level has fallen below a normal operating threshold, in order to have a reserve power allocation

system with an emergency call capability protector which inhibits the making of non-emergency calls under certain preconditions and also allows for user function selection based on battery level and usage criteria, as taught by Reichelt (see col. 2, lines 1-10).

Regarding **Claim 31**, Hiben fails to disclose having the feature further comprising computer programming instructions for performing the step of continuing to operate the device after a battery energy level has fallen below a normal operating threshold. However, the examiner maintains that the feature further comprising the step of continuing to operate the device after a battery energy level has fallen below a normal operating threshold was well known in the art, as taught by Reichelt.

Reichelt further discloses the feature further comprising computer programming instructions for performing the step of continuing to operate the mobile telephone (10) which reads on the claimed "device" after a battery energy level has fallen below a normal operating threshold (see col. 3, lines 50-64; col. 4, lines 62-67), where the user of the mobile telephone can operate using the emergency call reserve power which is below the normal operating power level in which the instructions would be inherent.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben and Reichelt to have the feature further comprising computer programming instructions for performing the step of continuing to operate the device after a battery energy level has fallen below a normal operating threshold, in order to have a reserve power allocation system with an emergency call capability protector which inhibits the making of non-emergency calls under certain

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preconditions and also allows for user function selection based on battery level and usage criteria, as taught by Reichelt (see col. 2, lines 1-10).

Claims 9-11, 22-23, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiben et al. (hereinafter Hiben) (US 2002/0169008 A1) in view of Reichelt (US 6,427,072 B1) and Bigwood et al. (hereinafter Bigwood) (US 2002/0086718 A1).

Regarding **Claim 9**, Hiben discloses the method according to claim 1, further comprising the steps of:

monitoring an energy level of a battery (see pg. 1, 0015-0016]), where the device (106) switches modes to reduce power usage of the batteries in which the monitoring would be inherent. Hiben fails to disclose having the features comparing the energy level to a threshold; transmitting an indication of the energy level to a central controller; and providing an indication that the indication of the energy level has been transmitted. However, the examiner maintains that the feature comparing the energy level to a threshold was well known in the art, as taught by Reichelt.

Reichelt further discloses the feature comparing the energy level to a threshold (see col. 4, line 58 - col. 5, line 17; col. 6, line 31-35; Fig. 2 "ref. 44").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben and Reichelt to have the feature comparing the energy level to a threshold, in order to have a reserve power allocation system with an emergency call capability protector which inhibits the making of non-emergency calls under certain preconditions and also allows for user function selection based on battery

level and usage criteria, as taught by Reichelt (see col. 2, lines 1-10). The combination of Hiben and Reichelt fails to disclose having the features transmitting an indication of the energy level to a central controller; and providing an indication that the indication of the energy level has been transmitted. However, the examiner maintains that the features transmitting an indication of the energy level to a central controller; and providing an indication that the indication of the energy level has been transmitted was well known in the art, as taught by Bigwood.

In the same field of endeavor, Bigwood discloses the features transmitting an indication of the energy level to a fleet controller (7) which reads on the claimed “central controller” (see pg. 3, [0041-0046]; Fig. 2); and providing an indication that the indication of the energy level has been transmitted (see pg. 3, [0043-0046]; Fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben, Reichelt, and Bigwood to have the features transmitting an indication of the energy level to a central controller; and providing an indication that the indication of the energy level has been transmitted, in order to interrogate each mobile radio unit via an over the air interface to automatically report various battery condition parameters, as taught by Bigwood (see pg. 3, [0048]).

Regarding **Claim 10**, Hiben discloses the method according to claim 1, further comprising the steps of:

monitoring an energy level of a battery (see pg. 1, 0015-0016]), where the device (106) switches modes to reduce power usage of the batteries in which the monitoring would be inherent. Hiben fails to disclose having the features comparing the energy level to a

threshold; transmitting an indication of the energy level to a central controller; and providing an indication of an estimated time of arrival of a replacement battery. However, the examiner maintains that the feature comparing the energy level to a threshold was well known in the art, as taught by Reichelt.

Reichelt further discloses the feature comparing the energy level to a threshold (see col. 4, line 58 - col. 5, line 17; col. 6, line 31-35; Fig. 2 “ref. 44”).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben and Reichelt to have the feature comparing the energy level to a threshold, in order to have a reserve power allocation system with an emergency call capability protector which inhibits the making of non-emergency calls under certain preconditions and also allows for user function selection based on battery level and usage criteria, as taught by Reichelt (see col. 2, lines 1-10). The combination of Hiben and Reichelt fails to disclose having the features transmitting an indication of the energy level to a central controller; and providing an indication of an estimated time of arrival of a replacement battery. However, the examiner maintains that the features transmitting an indication of the energy level to a central controller; and providing an indication of an estimated time of arrival of a replacement battery was well known in the art, as taught by Bigwood.

Bigwood further discloses the features

transmitting an indication of the energy level to a fleet controller (7) which reads on the claimed “central controller” (see pg. 3, [0041-0046]; Fig. 2); and

providing an indication of an estimated time of arrival (i.e., remaining battery life) of a replacement battery (see pg. 3, [0043-0047]; Fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben, Reichelt, and Bigwood to have the features transmitting an indication of the energy level to a central controller; and providing an indication of an estimated time of arrival of a replacement battery, in order to interrogate each mobile radio unit via an over the air interface to automatically report various battery condition parameters, as taught by Bigwood (see pg. 3, [0048]).

Regarding **Claim 11**, Hiben discloses the method according to claim 1, further comprising the steps of:

monitoring an energy level of a battery (see pg. 1, 0015-0016]), where the device (106) switches modes to reduce power usage of the batteries in which the monitoring would be inherent. Hiben fails to disclose having the features comparing the energy level to a threshold; transmitting an indication of the energy level to a central controller; and transmitting a second indication upon replacement of the battery. However, the examiner maintains that the feature comparing the energy level to a threshold was well known in the art, as taught by Reichelt.

Reichelt further discloses the feature comparing the energy level to a threshold (see col. 4, line 58 - col. 5, line 17; col. 6, line 31-35; Fig. 2 “ref. 44”).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben and Reichelt to have the feature comparing the energy level to a threshold, in order to have a reserve power allocation system

with an emergency call capability protector which inhibits the making of non-emergency calls under certain preconditions and also allows for user function selection based on battery level and usage criteria, as taught by Reichelt (see col. 2, lines 1-10). The combination of Hiben and Reichelt fails to disclose having the features transmitting an indication of the energy level to a central controller; and transmitting a second indication upon replacement of the battery. However, the examiner maintains that the features transmitting an indication of the energy level to a central controller; and transmitting a second indication upon replacement of the battery was well known in the art, as taught by Bigwood.

Bigwood further discloses the features

transmitting an indication of the energy level to a fleet controller (7) which reads on the claimed "central controller" (see pg. 3, [0041-0046]; Fig. 2); and

transmitting a second indication upon replacement of the battery (see pg. 3, [0043-0048]; Fig. 2), where the battery condition is monitored to determine power level of the battery and to initiate the replacement of the battery in which an indication of replacement of the battery would be inherent.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben, Reichelt, and Bigwood to have the features transmitting an indication of the energy level to a central controller; and transmitting a second indication upon replacement of the battery, in order interrogate each mobile radio unit via an over the air interface to automatically report various battery condition parameters, as taught by Bigwood (see pg. 3, [0048]).

Regarding **Claim 22**, Hiben discloses the method according to claim 1, further comprising the steps of:

means (100) for monitoring an energy level of a battery (see pg. 1, 0015-0016, 0004-0005]), where the device (106) switches modes to reduce power usage of the batteries in which the monitoring would be inherent. Hiben fails to disclose having the features comparing the energy level to a threshold; transmitting an indication of the energy level to a central controller; and providing an indication of an estimated time of arrival of a replacement battery. However, the examiner maintains that the feature comparing the energy level to a threshold was well known in the art, as taught by Reichelt.

Reichelt further discloses the feature comparing the energy level to a threshold (see col. 4, line 58 - col. 5, line 17; col. 6, line 31-35; Fig. 2 “ref. 44”).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben and Reichelt to have the feature comparing the energy level to a threshold, in order to have a reserve power allocation system with an emergency call capability protector which inhibits the making of non-emergency calls under certain preconditions and also allows for user function selection based on battery level and usage criteria, as taught by Reichelt (see col. 2, lines 1-10). The combination of Hiben and Reichelt fails to disclose having the features transmitting an indication of the energy level to a central controller; and providing an indication of an estimated time of arrival of a replacement battery. However, the examiner maintains that the features transmitting an indication of the energy level to a central controller; and providing an

indication of an estimated time of arrival of a replacement battery was well known in the art, as taught by Bigwood.

Bigwood further discloses the features

transmitting an indication of the energy level to a fleet controller (7) which reads on the claimed “central controller” (see pg. 3, [0041-0046]; Fig. 2); and

providing an indication of an estimated time of arrival (i.e., remaining battery life) of a replacement battery (see pg. 3, [0043-0047]; Fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben, Reichelt, and Bigwood to have the features transmitting an indication of the energy level to a central controller; and providing an indication of an estimated time of arrival of a replacement battery, in order to interrogate each mobile radio unit via an over the air interface to automatically report various battery condition parameters, as taught by Bigwood (see pg. 3, [0048]).

Regarding **Claim 23**, Hiben discloses the method according to claim 1, further comprising the means (100) monitoring an energy level of a battery (see pg. 1, 0015-0016, 0004-0005]), where the device (106) switches modes to reduce power usage of the batteries in which the monitoring would be inherent. Hiben fails to disclose having the features comparing the energy level to a threshold; transmitting an indication of the energy level to a central controller; and transmitting a second indication upon replacement of the battery. However, the examiner maintains that the feature comparing the energy level to a threshold was well known in the art, as taught by Reichelt.

Reichelt further discloses the feature comparing the energy level to a threshold (see col. 4, line 58 - col. 5, line 17; col. 6, line 31-35; Fig. 2 “ref. 44”).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben and Reichelt to have the feature comparing the energy level to a threshold, in order to have a reserve power allocation system with an emergency call capability protector which inhibits the making of non-emergency calls under certain preconditions and also allows for user function selection based on battery level and usage criteria, as taught by Reichelt (see col. 2, lines 1-10). The combination of Hiben and Reichelt fails to disclose having the features transmitting an indication of the energy level to a central controller; and transmitting a second indication upon replacement of the battery. However, the examiner maintains that the features transmitting an indication of the energy level to a central controller; and transmitting a second indication upon replacement of the battery was well known in the art, as taught by Bigwood.

Bigwood further discloses the features

transmitting an indication of the energy level to a fleet controller (7) which reads on the claimed “central controller” (see pg. 3, [0041-0046]; Fig. 2); and

transmitting a second indication upon replacement of the battery (see pg. 3, [0043-0048]; Fig. 2), where the battery condition is monitored to determine power level of the battery and to initiate the replacement of the battery in which an indication of replacement of the battery would be inherent.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben, Reichelt, and Bigwood to have

the features transmitting an indication of the energy level to a central controller; and transmitting a second indication upon replacement of the battery, in order interrogate each mobile radio unit via an over the air interface to automatically report various battery condition parameters, as taught by Bigwood (see pg. 3, [0048]).

Regarding **Claim 32**, Hiben discloses the method according to claim 1, further comprising computer programming instructions for performing the steps of:

monitoring an energy level of a battery (see pg. 1, 0015-0016)), where the device (106) switches modes to reduce power usage of the batteries in which the monitoring and instructions would be inherent. Hiben fails to disclose having the features comparing the energy level to a threshold; transmitting an indication of the energy level to a central controller; and providing an indication that the indication of the energy level has been transmitted. However, the examiner maintains that the feature comparing the energy level to a threshold was well known in the art, as taught by Reichelt.

Reichelt further discloses the feature comparing the energy level to a threshold (see col. 4, line 58 - col. 5, line 17; col. 6, line 31-35; Fig. 2 "ref. 44").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben and Reichelt to have the feature comparing the energy level to a threshold, in order to have a reserve power allocation system with an emergency call capability protector which inhibits the making of non-emergency calls under certain preconditions and also allows for user function selection based on battery level and usage criteria, as taught by Reichelt (see col. 2, lines 1-10). The combination of Hiben and Reichelt fails to disclose having the features transmitting an indication of the

energy level to a central controller; and providing an indication that the indication of the energy level has been transmitted. However, the examiner maintains that the features transmitting an indication of the energy level to a central controller; and providing an indication that the indication of the energy level has been transmitted was well known in the art, as taught by Bigwood.

Bigwood further discloses the features transmitting an indication of the energy level to a fleet controller (7) which reads on the claimed “central controller” (see pg. 3, [0041-0046]; Fig. 2); and providing an indication that the indication of the energy level has been transmitted (see pg. 3, [0043-0046]; Fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben, Reichelt, and Bigwood to have the features transmitting an indication of the energy level to a central controller; and providing an indication that the indication of the energy level has been transmitted, in order to interrogate each mobile radio unit via an over the air interface to automatically report various battery condition parameters, as taught by Bigwood (see pg. 3, [0048]).

Claims 14, 27-28, and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiben et al. (hereinafter Hiben) (US 2002/0169008 A1) in view of well known prior art (MPEP 2144.03).

Regarding **Claim 14**, Hiben discloses every limitation claimed, as applied above, (see Claim 1), in addition Hiben discloses a receiving device (106) receiving controlling messages to switch between low and high power (see pg. 1, [0015-0016]; pg. 2, [0019]), where the

base station (104) communicates with device (106) in the coverage area of the communication system (100) according to the location determined by a component such as a GPS satellite. Hiben fails to disclose the features wherein the receiver identification comprises a location description, and the determining step comprises comparing the location description to a current location of the device. However, the examiner takes official notice of the fact that it was well known in the art to have the features wherein the receiver identification comprises a location description, and the determining step comprises comparing the location description to a current location of the device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hiben by specifically having the features wherein the receiver identification comprises a location description, and the determining step comprises comparing the location description to a current location of the device, for the purpose of communicating with the device according to the location of the device.

Regarding **Claim 27**, Hiben discloses every limitation claimed, as applied above, (see Claim 26), in addition Hiben discloses a receiving device (106) receiving controlling messages to switch between low and high power (see pg. 1, [0015-0016]; pg. 2, [0019]), where the base station (104) communicates with device (106) in the coverage area of the communication system (100) according to the location determined by a component such as a GPS satellite. Hiben fails to disclose the features wherein the receiver identification comprises a location description, and the mode controller compares the location description to a current location of the device. However, the examiner takes official notice of the fact that it was well known in the art to have the features wherein the receiver identification

comprises a location description, and the mode controller compares the location description to a current location of the device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hiben by specifically having the features wherein the receiver identification comprises a location description, and the mode controller compares the location description to a current location of the device, for the purpose of communicating with the device according to the location of the device.

Regarding **Claim 28**, Hiben discloses every limitation claimed, as applied above, (see Claim 27), in addition Hiben discloses a receiving device (106) receiving controlling messages to switch between low and high power (see pg. 1, [0015-0016]; pg. 2, [0019]), where the base station (104) communicates with device (106) in the coverage area of the communication system (100) according to the location determined by a component such as a GPS satellite. Hiben fails to disclose the features wherein the location description comprises at least one of a tower identification, a network identification, a zip code, an area code and a time zone. However, the examiner takes official notice of the fact that it was well known in the art to have the features wherein the location description comprises at least one of a tower identification, a network identification, a zip code, an area code and a time zone.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hiben by specifically having the features wherein the location description comprises at least one of a tower identification, a network identification, a zip code, an area code and a time zone, for the purpose of communicating with the device according to the location of the device.

Regarding **Claim 34**, the claim is rejected for the same reasons as set forth above in the rejection of Claim 27.

Regarding **Claim 35**, the claim is rejected for the same reasons as set forth above in the rejection of Claim 28.

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Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willie J. Daniel, Jr. whose telephone number is (703) 305-8636. The examiner can normally be reached on 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marsha D Banks-Harold

MARSHA D. BANKS-HAROLD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

WJD,JR
01 May 2005